

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/006,063

Filed: December 6, 2001

For: **SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

) Examiner: Hamud, Fozia M.

) Art Unit: 1647

) Confirmation No: 8559

) Attorney's Docket No. 39780-2830 P1C3

) Customer No. 35489

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**PRELIMINARY AMENDMENT**

**MAIL STOP RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

On November 29, 2004, the Examiner made a final rejection to pending Claims 28-36 and 38-40. A Notice of Appeal was filed on February 28, 2005, and an Appeal Brief was filed on July 27, 2005. A Notification of Non-Compliant Appeal Brief was mailed October 31, 2005, and an amended Appeal Brief was mailed November 22, 2005. An Examiner's Answer was mailed on April 3, 2006. In response, Applicants submitted a Request to Reopen Prosecution and a Response under 37 C.F.R. §1.111 on June 1, 2006. This Request was denied in an Office Communication mailed November 27, 2006. Applicants file herewith a Request for Continued Examination and a Preliminary Amendment. Please enter the following amendments and consider the following arguments.

The present Preliminary Amendment is further accompanied by the submission of a Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis, with attached Exhibits A and B. Also filed herewith is an Information Disclosure Statement providing copies of additional articles and abstracts in support of Applicants' arguments. Applicants note that some of the references listed

in the Information Disclosure Statement are provided in the form of full-text articles, while others are provided as abstracts. Applicants submit that the full-text articles are provided solely because they are available to Applicants. Applicants do not intend to make any distinction among the references, or to indicate that some references in the IDS are more pertinent or material than others. Applicants respectfully request that the information listed in the Information Disclosure Statement be considered by the Examiner and be made of record in the above-identified application.

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.